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TO

Amend the Labourers (Ireland) Acts.

A.D. 1885.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. This Act may be cited as the Labourers (Ireland) Act, 1886. Short title.

2. This Act shall be construed as one with the Labourers (Ireland) Act, 1883, and the Labourers (Ireland) Act, 1885 (hereinafter referred to as "the said Acts,") except in so far as the said Acts are expressly altered or varied by this Act or are inconsistent therewith, and together with the said Acts may be cited as the Labourers (Ireland) Acts, 1883 to 1886. Any words or expressions in this Act which are not defined therein and which are defined in the said Acts, shall, unless there is something in the context of this Act repugnant thereto, have the same meaning as in the said Acts. Construction of Act.

3. (1.) So much of the fifth section of the Labourers (Ireland) Act, 1883, as enacts that a representation in pursuance of the said Acts, if made on the ground of sanitary defects, shall be accompanied by a certificate of a sanitary officer of the sanitary authority to which the representation is made in corroboration of the sanitary defects alleged, shall be and the same is hereby repealed, and in lieu and instead thereof it is hereby enacted as follows : Amendment of 46 & 47 Vict. c. 60, s. 5, as to certificate of sanitary officer.

(2.) The representation if made on the ground of sanitary defects may be accompanied by a certificate of a sanitary officer of the sanitary authority to which the representation is made, in corroboration of the sanitary defects alleged.

(3.) In case any such representation made on the grounds aforesaid shall not be so accompanied, it shall be referred by the sanitary authority to such one or more of the sanitary officers of such authority as the authority may select for the purpose, and on any

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Appeal from  
certificate of  
sanitary  
officer in  
certain  
cases.

4. (1.) In case any sanitary officer shall certify that the sanitary defects alleged in any such representation do not exist as alleged, and in consequence of such certificate the sanitary authority shall decide not to act on such representation, the twelve persons who have signed such representation, or any twelve persons rated for the 15 relief of the poor within the sanitary district, may appeal to the Local Government Board, and upon their so appealing the Local Government Board shall appoint a medical officer to inspect the district to which such representation refers, and to report as to the correctness of such representation, and such officer shall certify to 20 the Local Government Board under his hand as to the existence or non-existence of the sanitary defects alleged in the said representation. The report so made shall be transmitted by the Local Government Board to the sanitary authority, and if it certify that sanitary defects exist in such district as alleged, the sanitary authority 25 may act on such report as if the same were the report of the sanitary officer to whom the said representation had been referred in the first instance by such sanitary authority.

(2.) All costs, charges, and expenses incurred by the Local Government Board under this section shall, to such amount as the 30 Local Government Board think proper to direct, be deemed to be an expense incurred by the sanitary authority under the said Acts, and shall be paid by the same to the Local Government Board in such manner and at such time as the Local Government Board may order. 35

(3.) Any order made by the Local Government Board in pursuance of this section may be made a rule of one of the Divisions of Her Majesty's High Court of Justice in Ireland, and may be enforced accordingly.

Amendment  
of representa-  
tion.

5. A representation made under the said Acts may be amended 40 at any time prior or subsequent to the making of an improvement scheme in pursuance thereof, and the power of amendment hereby

given shall include the power to permit any representation to be signed at any stage of the proceedings thereon by any person or persons duly qualified to sign the same, either in addition to or in substitution for the signatures already attached thereto; and such signing shall have the same effect as if the representation had been originally so signed. Any such signature so added shall be verified by a member or an officer of such sanitary authority. For the purposes of this section a representation shall include any certificate of a sanitary officer accompanying or relating to the same.

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- 10 6. The Local Government Board may, on the consideration of any petition of a sanitary authority for an order confirming an improvement scheme, dispense with the publication of any advertisement or the service of any notice proof of which publication or service is not given to them as required by the said Acts, where  
15 reasonable cause is shown to their satisfaction why such publication or service should be dispensed with, and such dispensation may be made by the Local Government Board either unconditionally or upon such conditions as to the publication of other advertisements and the service of other notices or otherwise as the Local Government Board may think fit, due care being taken by the Local  
20 Government Board to prevent the interest of any person being prejudiced by the fact of the publication of any advertisement or the service of any notice being dispensed with in pursuance of this section.
- 25 7. The Local Government Board may from time to time by order prescribe the forms to be used for the purposes of the said Acts, other than those provided for by the fifth section of the Labourers (Ireland) Act, 1885. It shall not be obligatory on any persons to adopt such forms, but the same when adopted shall be  
30 deemed sufficient for all the purposes of the said Acts.

Power of  
Local  
Government  
Board to  
dispense  
with adver-  
tisements  
and notices.

Power of  
Local  
Government  
Board to  
prescribe  
forms.

8. (1.) Where prior to the passing of this Act a provisional order has been made by the Local Government Board confirming any improvement scheme made by a sanitary authority pursuant to the provisions of the Labourers (Ireland) Act, 1883, and the area  
35 specified in such provisional order as the area upon which the cost incurred in carrying the scheme into execution is to be charged is an area less than the sanitary district, the Local Government Board may, if they think fit, and shall on the application of the sanitary authority made within *one year* after the passing of this Act, amend  
40 such provisional order, by declaring that the area upon which the cost of such scheme is to be charged shall be the sanitary district,

Amendment  
of existing  
provisional  
orders as to  
area of  
charge.

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and thereupon such provisional order shall take effect in all respects as if it had been originally made as so amended.

(2.) This section shall apply to any such provisional order, notwithstanding that the same has been confirmed by Act of Parliament.

(3.) Such amendment and declaration shall be made by an amending provisional order within the meaning of the thirteenth section of the Labourers (Ireland) Act, 1885, the provisions of which shall apply to such amending provisional order as if the same were a provisional order made under that section: Provided that no petition shall be entertained against an amending provisional order made under this section where the same shall have been made on the application of the sanitary authority: Provided further, that it shall not be necessary to serve a copy of the said amending provisional order upon any person, but the Local Government Board shall give notice of the making of the same by advertisement.

Extension of  
powers of  
compulsory  
purchase.

9. Notwithstanding anything contained in the sixteenth section of the Labourers (Ireland) Act, 1885, an improvement scheme made by a sanitary authority in pursuance of the said Acts may propose, and a provisional order confirming the same may sanction, the purchase by such sanitary authority otherwise than by agreement of—

(a.) Any land for the purpose of allotting half an acre of the same to the occupant of any existing cottage:

(b.) Tracts of land to be parcelled out in allotments pursuant to the provisions of the said section.

Amend-  
ment of  
48 & 49 Vict.  
c. 77, ss. 2,  
and 4.

10. (1.) The reference to the Labourers (Ireland) Act, 1883, contained in the second and fourth sections respectively of the Labourers (Ireland) Act, 1885, shall be construed to mean the Labourers (Ireland) Acts, 1883 to 1886.

(2.) Where a sanitary authority proposes to acquire lands on lease in execution of the said Acts, such lease shall be prepared by the sanitary authority.

Exemption  
of certain  
premises  
from tax-  
ation

11. No poor's rate, grand jury cess, or income tax, shall be levied or apportioned upon, or payable out of, any lands, buildings, or premises acquired or built by a sanitary authority in execution of the said Acts or this Act, and all such lands, buildings, and premises shall be deemed to be exempt from the payment of same.

Sanitary  
authority or  
contractor  
may enter

12. The sanitary authority or any person who has contracted with such authority for the carrying out or execution of the buildings or other works provided for in any improvement scheme,

or any part thereof, shall have power and authority to dig for, raise, and carry away in or out of any lands, whether within or adjoining the sanitary district, any gravel, stones, sand, or other materials which may be required for any such buildings or works, subject to

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on lots  
and take  
materials

the following conditions, that is to say:—

(1.) This section shall not apply in the case of any lands being an orchard, bleach-green, walled garden, haggard, or yard, or planted walk, lawn, or avenue to a mansion house:

(2.) This section shall not apply in case the occupier of the lands shall not consent thereto, unless and until the sanitary authority or such contractor shall have obtained an order granting such power and authority as aforesaid from a justice of the peace sitting in petty sessions for the petty sessions district within which such lands are situate, which order such justice is hereby empowered and required to grant: Provided that a justice shall not grant such order unless after due notice to the occupier of such lands, nor unless he is satisfied that such gravel, stones, sand, or materials cannot be conveniently procured elsewhere:

(3.) The sanitary authority or such contractor shall make reasonable compensation to the occupier of said lands for the waste or injury committed by entering thereon, or by breaking the surface or making a passage through the lands; but the value of any gravel, stones, sand, or materials shall not be included in the amount of such compensation unless same shall have been taken from any quarry or gravel pit bona fide demised to such occupier with liberty to work same. In case of disagreement the amount of such compensation shall be fixed by the county court judge for the division within which said lands are situate, whose order shall be enforceable in all respects as if same were a civil bill decree.

13. Where an improvement scheme confirmed by a provisional order made pursuant to the said Acts has become absolute, nothing in the said Acts contained shall be construed to prevent the sanitary authority from forthwith letting any allotment to an agricultural labourer and permitting such labourer to enter into occupation of the same, notwithstanding that the cottage to which the same is intended to be allotted has not yet been erected. The Land Law (Ireland) Act, 1881, shall not apply in the case of any such letting, which shall be deemed to be a letting for temporary convenience within the meaning of that Act, and shall be made as nearly as

Temporary  
letting of  
allotments.

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Act to apply  
to pending  
schemes.

14. This Act shall apply in the case of any improvement scheme or other proceeding under the said Acts pending at the date of the passing of this Act, notwithstanding that the same was initiated 5 prior thereto.



